

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

CHALMER DETLING, III

Criminal Action No.  
1:18-CR-309

**JOINT MOTION TO CONTINUE AUGUST 31, 2020 TRIAL DATE**

The United States of America, by Byung J. Park, United States Attorney, and Alex R. Sistla and Samir Kaushal, Assistant United States Attorneys for the Northern District of Georgia, and defendant Chalmer Detling III, through counsel, file this Joint Motion to Continue the Trial Date from August 31, 2020 until January 25, 2020.

On March 16, 2020, the Court granted Mr. Detling's unopposed motion to continue and scheduled the trial to commence on August 31, 2020. (R. 76.) At the time, Mr. Detling sought a continuance of the April 2020 trial date because of one of his defense attorneys was unavailable "due to an illness [and] . . . potentially lengthy absence." (R. 75.) Since that time, the COVID-19 pandemic has substantially disrupted the ability of counsel for the government, as well as that of Mr. Detling and his counsel, to prepare for trial. As the Court is aware, the United States District Court for the Northern District of Georgia has been essentially closed since March 15, 2020 and no trials are scheduled to commence any earlier than August 31, 2020.<sup>1</sup>

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<sup>1</sup> On March 16, 2020, Chief Judge Thrash entered an Order continuing all jury trials for a period of thirty days, among other provisions. (R. 78.) The Order was amended on March 30, 2020, April 30, 2020, May 26, 2020, July 1, 2020, and July

The undersigned attorneys for both the government and Mr. Detling have been mainly teleworking since mid-March 2020; the case agent has also been teleworking and has only restricted access to her office. In addition to the limitations placed on accessing workplaces, the general public has been advised to stay at home as much as possible to minimize spreading and/or becoming infected with the coronavirus. Trial preparation necessarily involves close contact with witnesses, including multiple witnesses located outside of the state of Georgia. Given the public health concerns associated with the pandemic, and the recommendations from state and local officials, as well as public health experts, regarding sheltering-in-place and social distancing, a continuance would be appropriate in order for the parties to properly prepare for trial. Indeed, this is truer today than even a few weeks ago with the rapid uptick of coronavirus cases in Georgia.<sup>2</sup> In addition, one of Mr. Detling's

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10, 2020, to extend the periods specified therein and to order that no criminal jury trial would commence prior to August 31, 2020. (R. 79, 80, 82, 83, 84.) This Order and its amendments, which are hereby incorporated by reference, were imposed based on the continuing exigent circumstances created by the spread of COVID-19 and the related Coronavirus. The current public health crisis has caused, is causing, and is expected to continue to cause extraordinary disruption throughout this District, including, but not limited to, the temporary closure of public and private offices; the imposition of travel restrictions and discouragement of the use of mass transportation; encouraged or mandated social distancing; and disruptions and delays in the use of the mails and common carriers.

<sup>2</sup> As of the evening of July 15, 2020, the New York Times reports that at least 118,147 individuals have been infected with the coronavirus and 3,030 have died in Georgia. *See* <https://www.nytimes.com/interactive/2020/us/georgia-coronavirus-cases.html> (last visited July 15, 2020). The paper also reports that more than 2,600 new cases were reported on July 14, 2020, and the seven-day moving average for cases is nearly 3,000. *See id.* The seven-day moving average of new cases was under 1,000 just three weeks ago. *Id.*

children is immunocompromised (the child suffers from cancer and is currently receiving chemotherapy treatments). Continuing the trial date would thus minimize the risk to Mr. Detling's child while allowing him to fully participate in preparing for his defense at trial.

For the foregoing reasons, the parties respectfully request that the Court grant the parties' joint motion and continue the trial date in this matter from August 31, 2020 until January 25, 2021. The parties submit that the ends of justice served by continuing the trial in this matter outweigh the best interest of the public and the defendant's right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted,  
Byung J. Park  
*United States Attorney*

/s/Alex R. Sistla  
*Assistant United States Attorney*  
Georgia Bar No. 845602  
alex.sistla@usdoj.gov

/s/Samir Kaushal  
*Assistant United States Attorney*  
Georgia Bar No. 935285

600 U.S. Courthouse  
75 Ted Turner Drive SW  
Atlanta, GA 30303  
(404)581-6000; fax (404)581-6181

/s/Caitlyn Wade  
*Assistant Federal Public Defender*  
Georgia Bar No. 259114  
Caitlyn\_wade@fd.org

/s/Suzanne Hasimi  
*Assistant Federal Public Defender*  
Georgia Bar No. 335616

Federal Defender Program, Inc.  
Centennial Tower, Suite 1500  
101 Marietta Street, NW  
Atlanta, Georgia 30303  
(404)688-7530; fax (404)688-0768

Attorneys for Mr. Detling

**CERTIFICATE OF COMPLIANCE AND SERVICE**

I hereby certify that this document was prepared using Times New Roman 14 point font, and that I have caused a copy of the foregoing motion to be electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

This 16th day of July, 2020.

/s/ Alex R. Sistla  
*Assistant United States Attorney*

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**[PROPOSED] ORDER**

Presently before the Court is the Parties' Joint Motion to Continue the August 31, 2020 Trial Date.

For the reasons set forth in the Joint Motion to Continue, including but not limited to the fact that there has been an ongoing public health crisis occasioned by the COVID-19 pandemic which has caused, is causing, and is expected to continue to cause extraordinary disruption throughout this District, including, but not limited to, the temporary closure of public and private offices; the imposition of travel restrictions and discouragement of the use of mass transportation; encouraged or mandated social distancing; and disruptions and delays in the use of common carriers, the Court **GRANTS** the motion and **ORDERS** that the trial date in this matter has been reset to January 25, 2021.

The Court specifically finds that the failure to grant a continuance in this proceeding could potentially result in a miscarriage of justice, for example, the need to grant a mistrial in the event that any individuals became ill during the proceedings. The Court also finds that the failure to grant such a continuance

would deny the defendant and the attorneys for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, given the limitations imposed by the ongoing health crisis caused by COVID-19. *See* 18 U.S.C. § 3161(h)(7)(A), (B)(i), (iv).

Accordingly, the Court additionally directs the Clerk of Court to **EXCLUDE** the time between August 31, 2020 and January 25, 2021 under the Speedy Trial Act, as the Court finds that the delay is for good cause, and the interests of justice in granting the continuance outweigh the right of the public and the right of the defendant to a speedy trial, pursuant to 18 U.S.C. § 3161, *et seq.*

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Leigh Martin May  
UNITED STATES DISTRICT JUDGE

Prepared by:  
Alex R. Sistla  
Assistant U.S. Attorney